

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5 and 7-9 are pending in the present application. Claims 1-5 and 7-9 have been amended by way of the present amendment. Support for amendments to the claims can be found in the originally filed disclosure. Thus, no new matter is added.

In the outstanding Office Action, Claims 3 and 9 were rejected under 35 U.S.C. §112, second paragraph, as indefinite; and Claims 1-5 and 7-9 were rejected under 35 U.S.C. §102(e) as anticipated by Saylor et al. (U.S. Pat. No. 6,788,768 herein "Saylor").

Initially, with regard to Claims 1-3, applicants respectfully submit that these claims are purposely written using "means for" language such that §112, sixth paragraph will be invoked. Applicants believe that the statement found on page 6 which states "it is the Examiner's position that the "means for" phrases do not invoke 35 U.S.C. 112 6<sup>th</sup> paragraph" is in conflict with applicable case law on the subject. Specifically, see MPEP §2181 which indicates that a claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if the meets a 3-prong analysis of 1) the claim limitations must use the phrase "means for" or "step for;" (2) the "means for" or "step for" must be modified by functional language; and (3) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function. In the present application, all three prongs are clearly met, thus, 35 U.S.C. 112, sixth paragraph should be invoked.

With regard to the rejection of Claims 3 and 9 under 35 U.S.C. §112, second paragraph, as indefinite, Claims 3 and 9 have been amended to overcome the rejection. Accordingly, Applicants respectfully request that the rejection of Claims 3 and 9 under 35 U.S.C. §102, second paragraph, be withdrawn.

Addressing now the rejection of Claims 1-6 and 7-9 under 35 U.S.C. § 102(e) as anticipated by Saylor, Applicant respectfully traverses this assertion.

Claim 4 recites, in part,

receiving at least one order corresponding to a genre;  
storing a plurality of content data in a computer  
readable storage medium, the plurality of content data  
corresponding to the at least one order;  
managing preference data by which to determine  
preferences based on a quantity of previous orders, each order  
corresponding to a genre;  
reading said plurality of content data stored to said  
computer readable storage medium by said storing in response  
to an instruction;  
arranging said plurality of content data read in said  
reading, in accordance with said preference data managed in  
said managing; and  
composing said plurality of content data arranged in  
said arranging, into a single document including the plurality of  
content data for display.

Claims 1, 5 and 7 recite means, computer readable storage medium and non-means apparatus claims.

Saylor describes a system for creation and automatic deployment of personalized voice services relating to book subscriptions.

However, Saylor does not describe or suggest arranging a plurality of content data in accordance with preference data determined based on a quantity of previous orders, each order corresponding to a genre or composing said plurality of content data arranged in said arranging, into a single document including the plurality of content data for display.

The outstanding Action states on page 4 that the “voice services” of Saylor performs the managing, reading, arranging and composing steps recited in the claimed invention. Applicants respectfully traverse this assertion.

Specifically, although the voice services of Saylor is able to provide suggested books based on “user preferences”, Saylor never describes that preferences are determined based on a quantity of previous orders, each order corresponding to a genre.

In other words, in the claimed invention, preferences are determined by counting the number of times a genre is ordered. By using previous orders, each order corresponding to a genre, the system is able to arrange content data such that content that is of the highest interest (based on historical trends) is arranged and then displayed in a preferred format. In contrast, in Saylor, preferences are based on user designations such as favorite author, subject, etc, which requires extra input from the user which is time consuming and not favorable.

In addition, Saylor never describes or suggests that content data is arranged and then composed into a single document for display. Besides the fact that Saylor never describes that content data is displayed (e.g. because Saylor is directed to voice services), Saylor never describes that the entire stored plurality of content data is presented.

Saylor describes a process of removing books from the voice menu which are not of interest to the user such that these books are never presented to the user. In contrast, in the claimed invention, the content data is arranged and then the entire plurality of content data is composed into a single document for display. This feature is never described or suggested in Saylor.

Thus, Applicants respectfully submit that Claim 4 and similarly Claims 1, 5 and 7, and claims depending therefrom, patentably distinguish over Saylor.

Consequently, in view of the above discussion, it is respectfully submitted that the invention defined by Claims 1-5 and 7-9 patentably distinguish over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

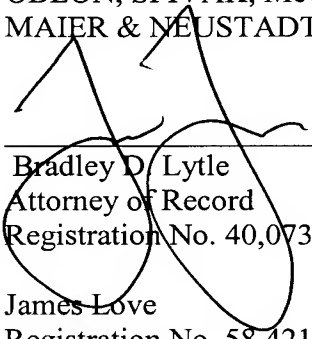
Respectfully submitted,

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